IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

SUMMARY SUIT NO.1855 OF 2005

Mr. Danjibhai N. Babaria. ... Plaintiff.

V/s.

Dashrath Sonu Jadhav & Anr. ... Defendants.

....

Mr. Ramesh Jain for the Plaintiff.
None for the Defendants.

CORAM : DR. D.Y.CHANDRACHUD,J.

03rd April 2007.

P.C. :

. The suit under Order 37 of the Code of Civil Procedure, 1908 is based on a Bill of Exchange drawn by the first Defendant and accepted by the Second Defendant. On 17th March 2006, leave to defend was granted to the First Defendant subject to a deposit of an amount of Rs.80,000/- within 4 weeks. The condition subject to which leave to defend is granted has not been complied with. A certificate of non-deposit dated 11th January 2007 issued by the Master and Assistant Prothonotary has been placed on record. So far as the Second Defendant is concerned, an affidavit of service has been filed.

2. In these circumstances, the suit will have to be decreed under the provisions of Order 37 of the Code of Civil Procedure, 1908. There shall be a decree as prayed with the modification that the Plaintiff would be entitled to interest at the rate of 9% per annum from the date of the institution of the suit until payment or realization. Refund of Court fees, if any as per rules.